FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.128 OF 2005
IN
WRIT PETITION NO.5754 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

Mr. Hiralal Thakkar for the applicant.

Ms. Ranjana Parekh for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 12TH APRIL, 2005.

P.C.:-

Heard the learned counsel for the parties.

Mr. Thakkar, the learned counsel for the applicant states that time to vacate the suit premises be extended till 31/5/2005. Ms. Parekh, the learned counsel for the respondent objects. She says that sufficient time is already granted to the applicant to vacate the suit premises. She submits that if this court thinks it fit to grant extension of time, the applicant may be asked to pay damages

at the rate of Rs.62/- per sq. ft. for the extended period i.e. from February, 2005 to 31/5/2005. In this connection, the learned counsel has relied an order of the Supreme Court dated 26/6/2003 passed in **Special Leave to Appeal (Civil) No.19635 of 2002 in Central Bank of India v. Goodwill Theatres Pvt. Ltd.**

Accordingly, the applicant is granted time to vacate the suit premises till 31/5/2005 on the applicant paying to the respondent damages at the rate of Rs.62/- per sq. ft. from February, 2005 to 31/5/2005. It is pointed out by Ms. Parekh that the applicant has not paid the contractual rent. Mr. Thakkar, the learned counsel for the applicant states that without prejudice to the rights and contentions of both sides, the arrears, if any, will be paid by the applicant to the respondent within two weeks from today.

Civil Application is disposed of.

All concerned to act on the authenticated copy of this order.

(SMT. RANJANA DESAI, J.)